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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/702,548 | 11/07/2003 | Naozumi Sugimura | 520.43239X00 | 8219 |

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EXAMINER

RIVERO, MINERVA

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,548

Applicant(s)

SUGIMURA, NAOZUMI

Examiner

Minerva Rivero

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SI-999)
~~Paper No(s)/Mail Date~~
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitui *et al.* (US Patent 6,937,553), hereinafter Mitui.

4. Regarding claims 1, 7, 12 and 15 Mitui discloses a reproducing apparatus which reproduces information recorded on a recording medium, comprising:

a pickup which reads recording medium identify information recorded on the recording medium (*optical head*, Col. 6, Lines 23-24);

a reproducing signal processing circuit which reproduces the recording medium identify information read by the pickup (*signal processing unit, reproducing medium ID information*, Col. 8, Lines 41-50);

a memory which stores a plurality of recording medium identify information sets which have ever been processed by the reproducing signal processing circuit (Col. 6 Lines 7 and 12-14); and

a controller which controls the reproducing apparatus (Col. 8, Lines 66-67);

wherein based on the recording medium identify information stored in the memory, the controller performs decision processing to determine whether to reproduce specific information recorded on the recording medium (*copy attribute*, Col. 6, lines 44-49; Col. 8, Lines 28-38).

5. Regarding claim 2, Mitui discloses said memory is detachable (flash memory card, Col. 16, Lines 27-31).

6. Regarding claims 3 and 8, Mitui discloses a program required for said processing is obtained from said recording medium (Col. 16, Lines 9-17).

7. Regarding claims 4 and 9, Mitui discloses said controller can obtain information from an external device via a network and a program required for said decision processing is obtained from the external device via the network (Col. 11, Lines 47-52; see public network 92 and communication adapter 93 in Fig. 4).

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8. Regarding claims 5, 10 and 13, Mitui discloses said specific information is reproduced if the required number of said recording medium identify information sets are stored in said memory (*copy attributes*, Col. 8, Lines 28-40; Col. 6, Lines 50-59).

9. Regarding claims 6, 11 and 14, Mitui discloses said specific information is not reproduced if the required number of said recording medium identify information sets are not stored in said memory (*11 being 'no more copy'*, Col. 6, Line 54).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oshima (US Patent 5,699,331) discloses an apparatus operating with recording medium according to positional information of a secret code.

Ishibashi *et al.* (US Patent 6,522,607) disclose a recording device and method to prevent unwanted use of information.

Oshima *et al.* (US Patent 5,805,551) disclose a method and apparatus for preventing illegal copy or illegal installation of information of optical recording medium.

Takagi (US Patent 5,652,741) discloses a data storage apparatus having data and parity media.

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Fujinami *et al.* (US 6,385,152) disclose a recording apparatus including write protect level determining procedure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR 8/19/06


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER